

**EVENT VIOLATION INSPECTOR'S STATEMENT**

Company/Mine: Hiawatha Coal Company, Bear Canyon Mine  
Permit #: C/015/0025

CO # 10034  
Violation # 1 of 1

**A. SERIOUSNESS**

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- |                                     |    |  |
|-------------------------------------|----|--|
| <input type="checkbox"/>            | a. | Activity outside the approved permit area.                     |
| <input type="checkbox"/>            | b. | Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. | Damage to property.  |
| <input checked="" type="checkbox"/> | d. | Conducting activities without appropriate approvals.           |
| <input type="checkbox"/>            | e. | Environmental harm.  |
| <input type="checkbox"/>            | f. | Water pollution.   |
| <input type="checkbox"/>            | g. | Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/>            | i. | No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. | Other.   |

Explanation: Hiawatha Coal Company has been operating the Bear Canyon Mine for several months without bond or permit in their name.

2. Has the event occurred? Yes

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: Operating without a permit or bond.

3. Did any damage occur as a result of the violation? No

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: No damage has occurred yet.

**B. DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: Indifference. The Division has been working with Hiawatha Coal Company for several months to get a bond in place. Hiawatha has responded by claiming it is unnecessary and they have yet to present a bond.

- ☒ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: All operators are aware that they must have a valid bond and permit in order to conduct coal mining operations.

- ☐ Was the operator in violation of a specific permit condition?

Explanation: \_\_\_\_\_

- ☐ Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: \_\_\_\_\_

**C. GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: To date, the operator has not provided a bond, nor have they complied with the requirement to provide operational plans.


2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: In order to operate a mine in compliance with SMCRA, one must have a bond and permit. If they do not have the necessary resources, they should have gotten them in place before beginning operation of the mine.

3. Was the submission of plans prior to physical activity required by this NOV / CO? Yes If yes, explain.

Explanation: Before finishing the current longwall panel the operator was required to submit plans and anticipated dates for removing the longwall equipment.

DANA DEAN  
Authorized Representative

  
Signature

March 16, 2009  
Date